

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RODERICK L. REESE,
Petitioner,

V.

NATHANIEL QUARTERMAN
Respondent

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CIVIL ACTION NO. C-08-113

MEMORANDUM AND RECOMMENDATION

Petitioner, an inmate at TDCJ-CID's McConnell Unit, Beeville, Texas, filed this *pro se* petition pursuant to 28 U.S.C. § 2254, challenging disciplinary action taken against him. Pending is petitioner's application for leave to proceed *in forma pauperis* (D.E. 9).

Petitioner's *in forma pauperis* data sheet reflects that as of April 16, 2008, petitioner had \$7.79 in his inmate trust account. His last six-months of deposits total \$861.23. The filing fee for filing a habeas corpus petition is \$5.00. Petitioner can afford to pay the fee.

RECOMMENDATION

It is respectfully recommended that petitioner's application for leave to proceed *in forma pauperis* (D.E. 9) be denied without prejudice and that petitioner be ordered to pay the filing fee within twenty days.

Respectfully submitted this 22nd day of April, 2008.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **TEN (10) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to Fed. R. Civ. P. 72(b), 28 U.S.C. § 636(b)(1)(C) and Article IV, General Order No. 80-5, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within TEN (10) DAYS after being served with a copy shall bar that party, except upon grounds of *plain error*, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).